

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GARY FRANCIS FISHER, A.K.A.
SONNY BARGER, II, A.K.A. GARY
DALE BARGER,

Plaintiff,

v.

GRAHAM,

Defendant.

No. 2:20-cv-0847 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a former state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. Plaintiff alleges prison officials failed to protect him from an attack by another inmate. By order dated October 2, 2020, the court screened the complaint and determined it did not contain any cognizable claims. (ECF No. 6.) Plaintiff was given thirty days leave to file an amended complaint and warned that failure to file an amended complaint would result in a recommendation that this action be dismissed. Those thirty days have passed, and plaintiff has not filed an amended complaint, requested additional time to file an amended complaint, updated his address, or otherwise responded to the court's order. Accordingly, the court will recommend that this action be dismissed for failure to prosecute and failure to comply with court orders.

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For the reasons state above, the Clerk of the Court is ORDERED to randomly assign a district judge to this action.

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: January 19, 2021


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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